

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL WILLIAMS,

Petitioner,

v.

JAIME LAMANNA,

Respondent.

No. 18-CV-2172 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Petitioner Michael Williams (“Petitioner”), proceeding pro se, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (the “Petition”) on March 9, 2018. (See Dkt. No. 1.) On October 11, 2023, Magistrate Judge Judith C. McCarthy issued a Report and Recommendation (the “R&R”), in which she recommended that the Court deny the Petition in its entirety. (See R&R (Dkt. No. 14).) The Clerk of Court mailed a copy of the R&R to Petitioner’s address at Green Haven Correctional Facility, which is reflected on the docket, on October 13, 2023. (See Dkt. (entry dated Oct. 13, 2023).) Upon learning that Petitioner had been transferred to another prison, Judge McCarthy’s Chambers re-mailed the R&R to Petitioner’s new address at Gouverneur Correctional Facility on October 20, 2023. (See Dkt. (entry dated Oct. 20, 2023).) Thereafter, after learning that Petitioner had again been transferred to another prison, Judge McCarthy’s Chambers again re-mailed the R&R to Petitioner’s new address at Upstate Correctional Facility on November 9, 2023. (See Dkt. (entry dated Nov. 9, 2023).)

It has come to the Court’s attention that, since the R&R was last mailed to him on November 9, 2023, Petitioner has again been transferred to another prison—this time, Elmira Correctional Facility. Accordingly, the Court will re-mail the R&R to Petitioner. Petitioner is reminded that—because the R&R is being served upon him by mail—he shall have seventeen (17) days from receipt of the R&R to file and serve any written objections. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 6(d).

Finally, the Court reminds Petitioner that it is his responsibility to notify the Court in writing *every time* his contact information changes. (See Dkt. No. 6, at 2 (“**If your contact information changes, it is your responsibility to notify the court in writing**, even if you are incarcerated and transferred to another facility or released from custody. . . . Your case could be dismissed if you do not notify the court of an address change.” (emphasis in original)). If the Court does not receive any objections by the applicable deadline, the Court may issue an order reviewing the R&R only for clear error. *See Torres v. Golden Home Furniture Inc.*, No. 20-CV-4789, 2023 WL 3791807, at *1 (S.D.N.Y. June 2, 2023) (citing *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010)); *accord ExxonMobil Oil Corp. v. TIG Ins. Co.*, No. 16-CV-

9527, 2022 WL 17070111, at *1 (S.D.N.Y. Nov. 17, 2022). Moreover, as stated in the R&R, (*see* R&R 44–45), Petitioner is reminded that failure to file timely objections to the R&R will preclude later appellate review of any order of judgment that is ultimately rendered. *See* 28 U.S.C. § 636(b)(1); *Cidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008).

SO ORDERED.

Dated: December 19, 2023
White Plains, New York



KENNETH M. KARAS
United States District Judge